REMARKS

In response to the Office Action dated April 7, 2006, Applicant respectfully requests reconsideration. The application is believed to be in allowable condition.

The Examiner has noted that drawings submitted on December 23, 2002 are acceptable for examination purposes only. Applicant respectfully asserts that no drawings were submitted in this application on the aforementioned date. The drawings in the application are those submitted on the date of filing, September 8, 2003. Applicant is hereby re-submitting the original drawings in an effort to clarify any misunderstanding. Should the Examiner wish to discuss the drawings, or if there remains any confusion regarding the drawings, Applicant invites the Examiner to contact the undersigned agent of record.

Claims 1-39 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant respectfully submits that claims 1-39 are directed to statutory subject matter under 35 U.S.C. § 101, and provide a useful, tangible and concrete application in the technological arts. Applicant respectfully requests reconsideration and withdrawal of this rejection in light of the discussion below.

Claims 1-39 provide a practical application in the technological arts, including an information management system and a method performed at least partially by a programmed computer to implement and administer an information management system. The information management method includes assigning a first user a unique user identifier, storing information related to the first user in a remote database operatively coupled to a remote computer, and enabling a plurality of second users to access the remote database over a network using a second computer to retrieve the information related to the first user by entering the unique user identifier.

Providing a practical application in the technological arts, however, is not a requirement under U.S. patent law. 35 U.S.C. § 101 states:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

The Federal Circuit states, in it's decision in *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368, 1372 (Fed Cir. 1998):

> The plain and unambiguous meaning of § 101 is that any invention falling within one of the four stated categories of statutory subject matter may be patented, provided it meets the other requirements for patentability set forth in title 35, i.e., those found in §§ 102, 103 and 112, second paragraph. The repetitive use of the expansive term "any" in § 101 shows Congress's intent not to place any restrictions on the subject matter for which a patent may be obtained beyond those specifically recited in § 101. Indeed, the Supreme Court has acknowledged that Congress intended § 101 to extend to "anything under the sun that is made by man." *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980); *see also*, *Diamond v. Diehr*, 450 U.S. 175, 182 (1981). Thus, it is improper to read limitations into § 101 on the subject matter that may be patented where the legislative history indicates that Congress clearly did not intend such limitations. *See, Chakrabarty*, 447 U.S. at 308 ("We have also cautioned that courts should not read into the patent laws limitations and conditions which the legislature has not express . . ."
> [A]fter *Diehr* and *Alappat*, the mere fact that a claimed invention involves inputting numbers, calculating numbers, outputting numbers, and storing numbers, in and of itself, would not render it nonstatutory subject matter. *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557.

The *State Street Bank* decision involved subject matter directed to problems of administering a group of mutual funds. The patent at issue in the *State Street* decision includes method claim 1 that produces a useful, concrete and tangible result. Even if the useful result is expressed in numbers, such as price, profit, percentage, cost, or loss, a useful result renders the method statutory subject matter. Applicant respectfully submits the claimed inventions of claims 1-39 produce useful, concrete and tangible results. Specifically, each of claims 1-39 produces a novel and useful information management system.

It is noted that inclusion of a computer system, a server and various server components into a claim that otherwise produces a useful, concrete and tangible result is not a requirement for the claim to recite statutory subject matter.

In addition to the *State Street Bank* decision, MPEP 706.03(a) gives examples of subject matter that are not patentable under 35 U.S.C. § 101, including printed matter, a naturally occurring article, and a scientific principle. The information management system of claims 1-39 is not covered by these examples and therefore constitutes patentable subject matter. Further, there is not a "technological arts" test to determine patentable subject matter under § 101. *Ex parte Lundgren* (USPTO Bd. Pat. Apps., April 20, 2004). Thus, claims 1-39 are patentable under 35 U.S.C. 101.

Claims 1-39 stand rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,374,259. To overcome this rejection, Applicant submits herewith a terminal disclaimer under 37 CFR 1.321 and associated fees. Thus, it is believed that the double patenting rejection is overcome in light of the terminal disclaimer.

Applicants believe these claims are in condition for allowance, which action is respectfully requested. Should the Examiner have any questions concerning the enclosure submitted herewith, the Examiner is invited to telephone the undersigned agent of record at the number provided.

Respectfully submitted,

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